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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Review of the Commission's Rules)
regarding the main studio and)
local public inspection files of)
broadcast television and radio stations)
)
47 C.F.R. Sections 73.1125,)
73.3526 and 73.3527)

MM Docket No. 97-138

To: The Commission

COMMENTS

Comes now Delta Radio, Inc. ("Delta"), pursuant to Section 1.415 of the Commission's Rules, and submits the following "*Comments*" in response to the *Notice of Proposed Rule Making* in the above-captioned proceeding 1/.

The *Notice* proposed to amend the Commission's Rules regarding the main studio

1/ The *Notice* was released May 28, 1997. FCC 97-182. The NPRM specified "[i]nterested parties may file comments on or before August 8, 1997, and reply comments on or before September 8, 1997". Thus, the instant comments are timely filed.

and local public inspection files of broadcast television and radio stations and invited comments on the proposals discussed therein.

MAIN STUDIO RULE

The *Notice of Proposed Rule Making* requested comment on various proposals to amend the Main Studio Rule (Section 73.1125 of the Commission's Rules), including giving licensees the ability to locate the main studio within the principal community contour of any station licensed to the community, a proposal to locate the main studio at any "reasonably accessible" location and a proposal to impose a straight mileage standard in which the main studio could be located anywhere within a radius of a set number of miles from the community of license. Delta opposes the first two proposals as being inconsistent, unworkable, and a burden on the Commission. For example, a Class A (6 kw) FM station located in City A, which was also the city of license of a Class C (100 kw) FM station, would have greater flexibility in locating its main studio than a Class A FM station located 5 miles away in City B, and which was the only station licensed to the community. With both stations otherwise being equal, the station in City A would have an advantage over the station in City B, simply because other radio stations were licensed to the community. Long-term compliance would also be difficult to maintain because of changes in the technical facilities of stations. The same Class A station licensed to City A would be allowed to locate its studio up to 42.3 miles away from the community of license (based on the principal community contour of the Class C station licensed to the same community). However, if the Class C station modified its facilities and/or moved to a different transmitter site, the main studio of Station A would conceivably no longer be located within the principal community contour of the Class C station, and if located more than 10 miles from its own community of license, would be outside its own principal community contour as well. Under current rules, if a station modified its own technical facilities, the station would be responsible for ensuring that the location of its main studio remained in

compliance with the rules, even relocating the main studio if necessary. However, allowing stations to locate within the contours of stations that are not under common-ownership could cause undue hardship on stations that could be forced to relocate their main studios through no fault of their own. Adoption of this proposal would open a can of worms that would be “crawling” around for years to come.

The plan to locate the main studio at any “reasonably accessible” location is also unworkable. What is “reasonably accessible” to one person may not be “reasonably accessible” to another. Such a plan would require the Commission to “referee” disputes, and would be an inefficient use of Commission resources.

The proposal to permit stations to locate their main studios within a radius of a set distance from a common reference point in the community of license is the easiest to implement and most workable of the three proposals. A distance of 100 kilometers (62 miles) would be easy to understand and easy to enforce and it would be uniform for all stations.

Section 73.1125(c), which requires each station to maintain a local or toll-free number by which citizens of the community of license can contact the main studio should be retained as part of any proposal to modify the main studio rules.

LOCAL PUBLIC INSPECTION FILE

Comments were also invited on a proposal to modify the location of the local public inspection file (Section 73.3526 and 73.3527) to permit licensees to locate their public inspection file at the main studio of the station, even when the main studio is located outside the community of license. Delta Radio, Inc., fully supports this proposal. In our experience, persons wishing to view the public file come to the main office of the radio station, even when the office is not located within the community of license.

They are then told that to view the public file, they must go elsewhere (for example, the local public library in the community of license). Locating the public file at a location where the licensee is unable to maintain control is also troublesome. One of Delta's stations, WOHT(FM) in Drew, Mississippi, formerly located its public file at the Drew Public Library in Drew, Mississippi (the WOHT main studio is located in Cleveland, Mississippi, along with co-owned WDTL-FM and WDSK(AM), both licensed to Cleveland). On one trip to the library to update the public file, Delta Radio President Larry Fuss was told that the file couldn't be located and to return the next day when the head librarian would be available. Fuss made a second trip to Drew the next day. After a half-hour search, the file was located, but was in a state of disarray and was missing several documents. By permitting licensee's to maintain the public inspection file at their main studios, such problems could be avoided.

PUBLIC INSPECTION FILE CONTENTS AND RETENTION PERIOD

The current rules regarding public file records are both cumbersome and burdensome. Licensees are required to maintain records for which there is no useful purpose and which no one ever sees (in 5 years, only one person has ever asked to see Delta's public file – the ex-wife of Delta President Larry Fuss. Her only intention in doing so was to harass Mr. Fuss). Such a requirement imposes an undue hardship on licensees and requires that many hours of effort be devoted to paperwork, when the time could be better spent on improving programming or on service to the community.

Delta Radio, Inc., hereby proposes that only the following information be retained in the public file of commercial radio stations: 1) a copy of the most recent Ownership Report (FCC Form 323); 2) a copy of the most recent Employment Report (FCC Form 395B); 3) a copy of the last renewal application filed (FCC Form 303); 4) a copy of the station's current instrument of authorization (license); and 5) letters from the public relating to programming, news, and public affairs (retained for two years). Political file

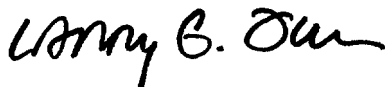
materials should continue to be maintained separately and made available only upon request (retained for two years). In addition, licensees should be permitted to require that persons wishing to view the public file make an appointment to do so. Many stations, such as Delta's, operate with limited staff, and just don't have the time to drop everything to accommodate an unexpected visitor. At times, the only person in the office is the person on the air, and he/she can't spend hours assisting someone who wants to view the public file while still maintaining their on-air duties.

CONCLUSION

As the licensee of four small-market radio stations, Delta Radio, Inc., is familiar with the Commission's Rules relating to the main studio location and the public inspection file and the burdens imposed by both. Delta respectfully requests that its comments be considered in the current proceeding to relax and/or amend the current rules.

Respectfully submitted,

DELTA RADIO, INC.

A handwritten signature in black ink, appearing to read "Larry G. Fuss".

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